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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,389	07/17/2003	Zhaoxia Xu		1388

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EXAMINER

ALEXANDER, REGINALD

ART UNIT	PAPER NUMBER
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1761

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/604,389	XU ET AL.	
	Examiner	Art Unit	
	Reginald L. Alexander	1761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-19,26-30,40 and 41 is/are allowed.
- 6) ☒ Claim(s) 1-8,10,20,22,24,31-39,45,47-50,56 and 58 is/are rejected.
- 7) ☒ Claim(s) 9,11-13,21,23,25,42-44,46,51-55,57 and 59 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 20, 22, 56 and 58 are rejected under 35 U.S.C. 102(e) as being anticipated by McNair.

McNair discloses a cooking apparatus, comprising: a container 2 having an open top and a central aperture; a lid 1; heating means; stirring means 5 inside the container; a power-drive assembly 18, 19 below the container; sealing means 20 for sealing between the bottom of the container and the drive shaft; a coupling device (see Fig. 1) having a hollow cylindrical lower portion and a coupling element; and a housing 3 into which the container sits.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 24, 31-33 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNair in view of Siu.

McNair, as discussed above, discloses all of the claimed subject matter except for a control means operating the stirring member through cycles.

Siu discloses a control means for a stirring member, including timers (Fig. 3, col. 2, lines 29-43) for automatically stopping (de-energizing) a power-drive assembly at the end of a stirring cycle.

It would have been obvious to one skilled in the art to provide the apparatus of McNair with the control means taught by Siu, in order to provide precise control of the stirring member.

Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNair in view of Siu as applied to claim 1 above, and further in view of Bukoschek et al.

Bukoschek discloses that it is old and well known to use a transistor and capacitor in a control device for a stirring unit. It would have been obvious to one skilled in the art to provide the device of McNair, as modified by Siu, with the transistor and capacitor taught by Bukoschek, in order to provide an alternative means to control the stirrer.

Claim 7, 8, 34-39 and 47-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNair in view of Lin.

Lin discloses the use of a venting device including a filter. It would have been obvious to one skilled in the art to provide the device of McNair with the venting and filtering means taught by Lin, in order to treat the fumes which develop during cooking.

In regards to the various types of filters claimed, it would have been obvious to one skilled in the art to use any of the claimed filters since each performs an equivalent function.

Claim 10 is rejected under 35 U.S.C 103(a) as being unpatentable over McNair in view of Lin as applied to claim 7 above, and further in view of Bukoschek et al.

Bukoschek discloses that it is old and well known to use a transistor and capacitor in a control device for a stirring unit. It would have been obvious to one skilled in the art to provide the device of McNair, as modified by Lin, with the transistor and capacitor taught by Bukoschek, in order to provide an alternative means to control the stirrer.

Allowable Subject Matter

Claims 14-19, 26-30, 40 and 41 are allowed.

Claims 9, 11-13, 21, 23, 25, 42-44, 46, 51-55, 57 and 59 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

There should not be made a structural distinction between the prior art of McNair and the claimed subject matter based on the intended types of foodstuff being cooked therewith. The structural limitations of the claims are met by the McNair reference.

While element 20 of McNair is not recited as being a sealing device, it provides the same function.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

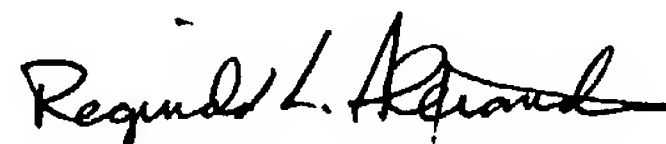
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald L. Alexander whose telephone number is 571-272-1395. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

rla
September 22, 2004


Reginald L. Alexander
Primary Examiner
Art Unit 1761